

Message

From: Neprash, Randy [Randy.Neprash@stantec.com]
Sent: 9/24/2018 9:49:31 PM
To: Smith, DavidW [Smith.DavidW@epa.gov]; Geoff A. Brosseau [geoff@brosseau.us]; Steve.carter@paradigmh2o.com; Taylor, Scott [STaylor@mbakerintl.com]; Randy.bartlett@fairfaxcounty.gov; rvandenakker@buckeyeaz.gov; Seth Brown [seth.brown@stormandstream.com]; Sean Bothwell [sbothwell@cacoastkeeper.org]; sfleischli@nrdc.org; Helmle, Chad [Chad.Helmle@tetrattech.com]; rwatson@rwaplanning.com; Kleis, Andrew [AKleis@sanidiego.gov]; Chris Minton [chrism@lwa.com]; 'Chris Sommers' [csommers@eoainc.com]; Sharp, Grant [Grant.Sharp@ocpw.ocgov.com]; mfabry@smcgov.org; abbey.stockwell@ecy.wa.gov; jodefey@americanrivers.org; Matt O'Malley [matt@sdcoastkeeper.org]; Nell Green Nylén [ngreennylen@berkeley.edu]; Mumley, Thomas@Waterboards [Thomas.Mumley@waterboards.ca.gov]; Gayleen.perreira@waterboards.ca.gov; Keith.lichten@waterboards.ca.gov; Roques, [Dominic.Roques@waterboards.ca.gov]; Renee.purdy@waterboards.ca.gov; Christopher P. Henninger [Henninger.Christopher@azdeq.gov]; Ottinger, Elizabeth [Ottinger.Elizabeth@epa.gov]; Murphy, Thelma (Hamilton) [murphy.thelma@epa.gov]; Nuhfer, Mark [Nuhfer.Mark@epa.gov]; Galavotti, Holly [Galavotti.Holly@epa.gov]; 'chris.crompton@ocpw.ocgov.com' [chris.crompton@ocpw.ocgov.com]
CC: Wes Ganter [wes.ganter@pgenv.com]; Bobby Jacobsen [bobby.jacobsen@pgenv.com]
Subject: RE: Stormwater Improvement Workshop #2 Report for your review

Dave, Wes, and Bobby:

Please see below for my comments. I am sorry they are not more complete.

As always, please contact me if you have any questions or want additional information.

Thanks,
Randy

Randy Neprash, PE
Vice-Chair, National Municipal Stormwater Alliance
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Improving Stormwater Program Monitoring, Tracking, Evaluation, and Reporting Workshop Report and Recommendations for Program Improvement

Report Date: September 13, 2018
REVIEW DRAFT

Comments from Randy Neprash
9/24/2018

Thank you for the opportunity to participate in these workshops and comment on the draft report.

1. This workshop was very California-centric. Most of the participants were from California and the vast majority of the specific discussions were based on California examples. This needs to be stated in the Report. Please note, I am very fond of California.
2. Stormwater permitting in California is significantly different compared to other areas of the United States.
 - a. The listed examples on page 7 are not sufficient to make this clear or describe its importance. California spends far more money on stormwater controls than any other region. We know far too little about expenditures or investments in stormwater. Based on what I know, I feel confident that expenditures on monitoring at the levels in California would consume all the stormwater funding of cities in Minnesota. There would be nothing left for implementation.
 - b. The regs in California are based on a history of distrust and lawsuits. The regulatory framework in California is unusually complex. For example, the MS4 permit for LA County covers 84 jurisdictions and includes more than 1,200 pages of documents. The largest city in Minnesota, Minneapolis, has a new Phase I MS4 permit that is 48 pages long. Minnesota, though, does some of the best, most effective, and most cost-efficient stormwater and water quality work in the country.
3. I am absolutely terrified that lessons from California will be considered applicable to the rest of the United States. This would be a huge mistake. As strongly as I possibly can, I urge EPA to convene a truly national group of practitioners and experts before seriously considering any recommendations for changes and “improvements” to the MS4 program. This includes monitoring, tracking, evaluation, and reporting.
4. The four bullet points on page 21 drastically oversimplify the “straw proposal” I put together. Important points and elements were omitted.
5. There is too little information about the cost of monitoring. As I stated during the workshop – Doing monitoring well is very expensive. Doing it poorly and inexpensively is just about worthless, sometimes worse. Without understanding the costs involved, a lot of this discussion is just hot air.
6. There is, as far as I can tell, no information here about the role of state permitting authorities in all this. We have many states that are drastically under-staffed and underfunded. Such states make a mockery of good monitoring and program evaluation. They do not have the will or technical capacity to write in good monitoring and program evaluation measures into their permits. If they forced permittees to monitor and collect data, these states would not have the capacity to process any of it.
7. The concept that it may be appropriate to not require Phase II MS4 permittees to monitor was not given appropriate weight in the draft report. The distinction between Phase I and Phase II permittees in this regard was not given sufficient weight.
 - a. There are areas of the country where this is the policy and the results are quite good.
 - b. Monitoring is beyond the fiscal and technical capacity of many Phase II permittees.
 - c. This was in the NPDES Rule (Fed. Reg. Dec. 8, 1999) that created the Phase II program. See page 68769: *“EPA does not encourage requirements for “end-of-pipe” monitoring for regulated small MS4s.” “For purposes of today’s rule, EPA recommends that, in general, NPDES permits for small MS4s should not require the conduct of any additional monitoring beyond monitoring that the small MS4 may be already performing. In the second and subsequent permit terms, EPA expects that some limited ambient monitoring might be appropriately required for perhaps half of the regulated*

small MS4s. EPA expects that such monitoring will only be done in identified locations for relatively few pollutants of concern. EPA does not anticipate “end-of-pipe” monitoring requirements for regulated small MS4s.”

8. During the workshop, I talked about the concept of “representative monitoring”, as opposed to “compliance monitoring”. Please see my notes most efficiently provided by Bobby. I did not find this concept in the report. You seem to have lumped it under “special studies”. This was not a simple or unimportant concept. To determine whether a type of BMP is working well and how it should be implemented to work most effectively, we should monitor a relatively small number of representative installations. We should not ask every permittee to monitor large numbers of their BMPs. This representative monitoring should be done and funded by EPA and states, rather than the permittees. I also discussed what I called “program management monitoring”.
9. Too little is said in the report about the deficiencies in technology transfer and information diffusion. We have many studies and research projects that have looked at BMP and program effectiveness. Our system to effectively disseminate this information, translate it into useful form, and make it available to guide local program implementation is just about non-existent. This is criminal. We emphasize and publicize success stories and bury failures. This is just the reverse of other engineering fields. In transportation and structural engineering, we study failures, learn the lessons, and make sure the information is widely distributed. It is how we make progress. In stormwater, we ignore (sometimes seem to deliberately bury) our failures and do not learn from them or use them to improve our work.
10. There is not enough discussion about the differences in stormwater systems and how that effects monitoring. Monitoring is relatively simple and inexpensive when you have a large urban collection system with relatively few discharge points or a small number of streams for which the permittee dominates the drainage area. The challenges are much greater in a suburban system with more than 1,200 separate wetlands receiving MS4 stormwater. They are much greater for a city with more than 200 discharge outfalls into the Mississippi River.
11. There is not enough discussion about the role of research. Here in Minnesota, we have a remarkable initiative to engage local implementors in identifying and prioritizing stormwater research needs and selecting projects to be funding. There is nothing remotely similar at the national level, and there should be.
12. There is little or no discussion about “lag time” for water quality improvements in receiving waters. For some water parameters, the expected lag time between effective implementation and measurable water quality improvement is thought to be decades. How should that be factored into program evaluation?
13. The Minnesota example on page 7 includes this text: “there is an assumed correlation between MS4 program implementation actions and water quality effects”. It is not accurate to ascribe this assumption to Minnesota. It was built into the MS4 program, especially for the Phase II permittees. EPA and the states were to provide the “menu of BMPs” for local implementation, to be implemented to the MEP by each permittee. The assumption was that these BMPs would be effective, and maybe even cost-efficient. I have always thought that EPA and the states have a significant responsibility to make sure that the BMPs are actually effective and cost-efficient. This is what “representative monitoring” is about, in part (see #8 above).
14. We did not talk about and the report does not include text related to using monitoring data to quantify and support “crediting” systems for MS4 permittees. This is a big deal in the Chesapeake. MS4 permittees

need to estimate the load reductions achieved by implementing BMPs to report progress toward meeting TMDL WLAs. We always need to improve and expand our data to make these crediting systems better estimates of actual load reductions. MS4 permittees must not be required to monitor all their load reductions as part of TMDL compliance.

15. I have a city with more than 800 rain gardens installed. It is absurd to think that they should monitor all (or a significant percentage) those rain gardens to determine their program effectiveness or TMDL compliance. We want permittees to implement large numbers of BMPs. We cannot penalize them by requiring that they monitor a significant percentage of those BMPs.

From: Smith, DavidW <Smith.DavidW@epa.gov>

Sent: Thursday, September 13, 2018 5:00 PM

To: Geoff A. Brosseau <geoff@brosseau.us>; Steve.carter@paradigmh2o.com; Taylor, Scott <STaylor@mbakerintl.com>; Neprash, Randy <Randy.Neprash@stantec.com>; Randy.bartlett@fairfaxcounty.gov; rvandenakker@buckeyeaz.gov; Seth Brown <seth.brown@stormandstream.com>; Sean Bothwell <sbothwell@cacoastkeeper.org>; sfleischli@nrdc.org; Helmle, Chad <Chad.Helmle@tetrattech.com>; rwatson@rwaplanning.com; Kleis, Andrew <AKleis@sanidiego.gov>; Chris Minton <chris@lwa.com>; 'Chris Sommers' <csommers@eoainc.com>; Sharp, Grant <Grant.Sharp@ocpw.ocgov.com>; mfabry@smcgov.org; abbey.stockwell@ecy.wa.gov; jodefey@americanrivers.org; Matt O'Malley <matt@sdcoastkeeper.org>; Nell Green Nylen <ngreennylen@berkeley.edu>; Mumley, Thomas@Waterboards <Thomas.Mumley@waterboards.ca.gov>; Gayleen.perreira@waterboards.ca.gov; Keith.lichten@waterboards.ca.gov; Roques, <Dominic.Roques@waterboards.ca.gov>; Renee.purdy@waterboards.ca.gov; Christopher P. Henninger <Henninger.Christopher@azdeq.gov>; Ottinger, Elizabeth <Ottinger.Elizabeth@epa.gov>; Murphy, Thelma (Hamilton) <murphy.thelma@epa.gov>; Nuhfer, Mark <Nuhfer.Mark@epa.gov>; Galavotti, Holly <Galavotti.Holly@epa.gov>; 'chris.crompton@ocpw.ocgov.com' <chris.crompton@ocpw.ocgov.com>

Cc: Wes Ganter <wes.ganter@pgenv.com>; Bobby Jacobsen <bobby.jacobsen@pgenv.com>

Subject: Stormwater Improvement Workshop #2 Report for your review

Greetings

As promised, attached is the draft report from our Spring workshop in Oakland where we discussed municipal stormwater monitoring, evaluation, tracking, and reporting issues and opportunities. As we are on a tight timeframe to issue the final report in early October, **please provide any comments back to me and Bobby Jacobsen (address above) by September 24, 2018** (giving you an extra day- :^)). Comments and edits in track changes and comment field format please. My key questions for you are:

1. Did we accurately capture our deliberations, findings, and recommendations from the workshop?
2. Did we miss anything critical that should be added or corrected?
3. Are there other relevant resources/examples we should cite?
4. Does the report provide specific enough findings and recommendations? If not, what can be done to make them more accurate and actionable?
5. What 1-2 followup actions would you most highly recommend to follow up on our workshop discussions to help build our collective capacity to do better with MS4 program monitoring and evaluation?
6. What 1-2 followup actions would you most highly recommend to improve how NPDES permits address monitoring, evaluation, tracking, and reporting?

Note that we will complete more professional layout and copy editing when we are done with content.

I will be out of the office from 9/14 til 9/24. If you have questions about this, please contact Bobby Jacobsen at PG Environmental. I look forward to seeing your feedback upon my return from sunny NM and TX. Specific suggested language is always appreciated! Thanks very much for taking the time!
Dave

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From: Smith, DavidW

Sent: Tuesday, September 11, 2018 5:44 PM

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Cc: 'Wes Ganter' <wes.ganter@pgenv.com>; 'Bobby Jacobsen' <bobby.jacobsen@pgenv.com>

Subject: Stormwater Improvement Workshop Report-- HEADS UP- Draft coming for RAPID review

Greetings All

After some unanticipated "stop work", we are nearly ready to distribute for your very rapid review the draft report from our second Oakland workshop in which we focused on improving MS4 monitoring, evaluation, tracking and reporting. Thanks to you all, again, for your participation. We are on a very tight time line to get the final report out in early October. **I will send out the draft report on September 13, 2018. We need to receive back any comments by September 23, 2018.** We cannot consider late comments—my apologies in advance. We look forward to hearing your hopefully very specific comments and suggestions, including additional recommendations you believe we should make as an outgrowth from the workshop. I know this is a lot to ask—please at least give it a quick look and help us make it a bit better.

I am sending the 2nd workshop report to attendees at both workshops in case any of you folks who joined us last Fall are interested in what came out of the second workshop. You are welcome to review and comment if you wish.

We will be discussing both workshops and reports at the CASQA annual meeting in mid October at two invited sessions. Perhaps we will see some of you there.

Many thanks
Dave

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